

AO 245 B (Rev. 12/03) Sheet 1 - Judgment in a Criminal Case

07 CRIM. 592

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

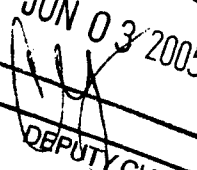
VS.

JUDGMENT IN A CRIMINAL CASE

LOUIS CRUZ

CASE NUMBER: 3:CR-03-366-03
USM NUMBER: 11962-067James A. Gibbons
Defendant's AttorneyFILED
SCRANTON

JUN 03 2005

PER 
DEPUTY CLERK

THE DEFENDANT:

☒ [X] pleaded guilty to count(s) 1 of the Indictment
☐ [] pleaded nolo contendere to count(s) _____
 which (was)(were) accepted by the court.
☐ [] was found guilty on count(s) _____ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title/Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 U.S.C. § 846	Conspiracy to Distribute and Possess with Intent to Distribute in Excess of 5 Grams of Cocaine Base (Crack)	December 16, 2003	-1-

The defendant is sentenced as provided in pages 2 through ___ of this judgment. The sentence is imposed pursuant to the
 Sentencing Reform Act of 1984.

☐ [] The defendant has been found not guilty on count(s) _____
☒ [X] Counts 5 and 8 are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days
 of any change of name, residence or, mailing address until all fines, restitution, costs and special assessments imposed by
 this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any
 material change in the defendant's economic circumstances.

June 2, 2005
Date of Imposition of Sentence

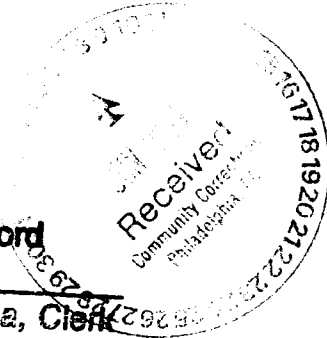
Certified from the record

Date 6-3-05


New E. D'Andrea, Clerk

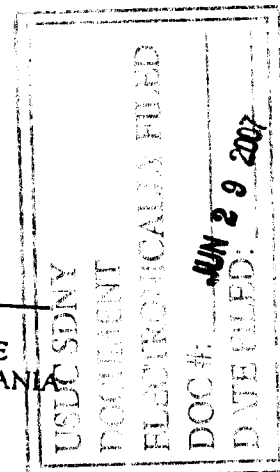
Per 

Deputy Clerk



Received
Community Corrections
Philadelphia PA


 A. RICHARD CAPUTO
 UNITED STATES DISTRICT JUDGE
 MIDDLE DISTRICT OF PENNSYLVANIA

June 3, 2005
 Date


AO 245 B (Rev. 12/03) Judgment in a Criminal Case, Sheet 2 - Imprisonment

Defendant: Louis Cruz
Case Number: 3:CR-03-366-03

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of forty-six (46) months.

The sentence imposed satisfies the purposes set forth in 18 U.S.C. § 3553(a) - including the necessity of deterrence and just punishment, promotion of respect for the law, protection of the public, avoidance of unwarranted disparities, and assurance of correctional treatment for the defendant and restitution to any victims of the offense - and reflects full consideration of all factors relevant to the sentencing determination - including the nature and seriousness of the offense, the history and characteristics of the defendant, the kinds of sentences available, and the advisory range and policies prescribed by the United States Sentencing Commission.

You can appeal your conviction if you believe that your guilty plea was somehow unlawful or involuntary, or if there is some other fundamental defect in the proceedings that was not waived by your guilty plea. You also have a statutory right to appeal your sentence under certain circumstances, particularly if you think the sentence is contrary to law. However, a defendant may waive those rights as part of a plea agreement, and you have entered into a plea agreement which waives some or all of your rights to appeal the sentence itself. Such waivers are generally enforceable, but if you believe the waiver is unenforceable, you can present that theory to the appellate court. With few exceptions, any notice of appeal must be filed within 10 days after the sentence is imposed on you.

If you are unable to pay the cost of an appeal, you may appeal for leave to appeal in forma pauperis. If you so request, the Clerk of the Court will prepare and file a notice of appeal on your behalf.

[X] The court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate MCC Manhattan, or another facility in reasonable proximity to Defendant's family in Brooklyn, New York as the place of service of his sentence as Defendant's family does not have elaborate transportation.

[X] The defendant is remanded to the custody of the United States Marshal.

[] The defendant shall surrender to the United States Marshal for this district.

[] at _____ a.m./p.m. on _____

[] as notified by the U.S. Marshal.

[] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

[] before 2 p.m. on _____

[] as notified by the United States Marshal.

[] as notified by the probation office.

[] The defendant is to contact the United States Marshal's Office no later than three days prior to the above date to be notified of the place of confinement.

I have executed this judgment as follows:

RETURN

Defendant delivered on _____ to _____ at _____

_____ with a certified copy of this judgment.

United States Marshal

Deputy Marshal

AO 245 B (Rev. 12/03) Judgment in a Criminal Case, Sheet 3 - Supervised Release

Defendant: Louis Cruz
Case Number: 3:CR-03-366-03

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.
The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable).
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable).

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time a home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 13) the defendant, as directed by the probation officer, shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- 15) the defendant shall participate in a program of testing and treatment for drug abuse, as directed by the Probation Office, until such time as you are released from the program by the Probation Officer.

AO 245 B (Rev. 12/03) Judgment in a Criminal Case, Sheet 5 - Criminal Monetary Penalties

Defendant: Louis Cruz
Case Number: 3:CR-03-366-03Judgment-Page 5 of 6**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6.

Totals:	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 100.00	\$	\$

The defendant shall pay a special assessment of \$100.00. The special assessment is due immediately and shall be paid to the Clerk, U.S. District Court. The Court finds that the defendant does not have the ability to pay a fine.

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245 C) will be entered after such determination.☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(a), all non-federal victims must be paid in full before the United States receiving payment.

NAME OF PAYEETOTAL LOSSRESTITUTION ORDERPRIORITY OF PERCENTAGE

I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Prob.

Date

TOTALS☐ Restitution amount ordered pursuant to plea agreement \$ _____☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. 3612(g).☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
☐ the interest requirement is waived for the ☐ fine ☐ restitution.
☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.